

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE**

H. LUNDBECK A/S, TAKEDA)	
PHARMACEUTICAL COMPANY LTD.,)	
TAKEDA PHARMACEUTICALS U.S.A.,)	
INC., TAKEDA PHARMACEUTICALS)	
INTERNATIONAL AG and TAKEDA)	C.A. No. 18-88 (LPS)
PHARMACEUTICALS AMERICA, INC.,)	CONSOLIDATED
)	
Plaintiffs,)	C.A. No. 18-114 (LPS)
)	
v.)	
)	
APOTEX INC., et al.,)	
)	
Defendants.)	

CONSENT JUDGMENT

H. Lundbeck A/S, Takeda Pharmaceutical Company Ltd., Takeda Pharmaceuticals U.S.A., Inc., Takeda Pharmaceuticals International AG, and Takeda Pharmaceuticals America, Inc. (hereinafter, “Lundbeck and Takeda”), and MSN Laboratories Private Limited, MSN Pharmaceuticals, Inc., and MSN Pharmachem Private Limited (hereinafter collectively, “MSN”), the parties in the above-captioned actions, have agreed to terms and conditions representing a negotiated settlement of the actions and have set forth those terms and conditions in a Settlement Agreement (the “Settlement Agreement”). Now the parties, by their respective undersigned attorneys, hereby stipulate and consent to entry of judgment and an injunction in the actions, as follows:

IT IS this ____ day of January, 2021:

ORDERED, ADJUDGED AND DECREED as follows:

This District Court has jurisdiction over the subject matter of the above actions and has personal jurisdiction over the parties.

As used in this Consent Judgment, (i) the term “MSN Product” shall mean the drug product sold, offered for sale or distributed pursuant to Abbreviated New Drug Application No. 211101 (and defined in greater detail in the Settlement Agreement); (ii) the term “Licensed Patents” shall mean United States Patent Numbers 8,722,684, 8,969,355, 9,227,946, 9,861,630, 9,125,910 and 9,278,096; and (iii) the term “Affiliate” shall mean any entity or person that, directly or indirectly through one or more intermediaries, controls, is controlled by, or is under common control with MSN; for purposes of this definition, “control” means (a) ownership, directly or through one or more intermediaries, of (1) more than fifty percent (50%) of the shares of stock entitled to vote for the election of directors, in the case of a corporation, or (2) more than fifty percent (50%) of the equity interests in the case of any other type of legal entity or status as a general partner in any partnership, or (b) any other arrangement whereby an entity or person has the right to elect a majority of the Board of Directors or equivalent governing body of a corporation or other entity or the right to direct the management and policies of a corporation or other entity.

Unless otherwise specifically authorized pursuant to the Settlement Agreement, MSN, including any of its Affiliates, successors and assigns, is enjoined from infringing the Licensed Patents, on its own part or through any Affiliate, by making, having made, using, selling, offering to sell, importing or distributing of the MSN Product.

Compliance with this Consent Judgment may be enforced by Lundbeck and Takeda and their respective successors in interest, or assigns, as permitted by the terms of the Settlement Agreement.

This District Court retains jurisdiction to enforce or supervise performance under this Consent Judgment and the Settlement Agreement.

All claims, counterclaims, affirmative defenses and demands in these actions are hereby dismissed with prejudice and without costs, disbursements or attorneys' fees to any party.

Leonard P. Stark, U.S.D.J.

We hereby consent to the form and entry of this Order:

/s/ Jack B. Blumenfeld

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Takeda Pharmaceuticals America, Inc.*

Dated: January 16, 2021

/s/ Geoffrey G. Grivner

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